

# Washington State Department of Ecology Water Quality Program

## Industrial Stormwater General Permit Frequently Asked Questions

These answers were developed in response to inquiries received by the Washington State Department of Ecology – Water Quality Program. They are organized by permit conditions, e.g., questions related to sampling stormwater are located in –Special Condition S4 – Monitoring. This document is intended as guidance only, and does not modify or otherwise change the permit requirements in the Industrial Stormwater General Permit. If there is any discrepancy between this guidance and the Industrial Stormwater General Permit the permit requirements supersede this guidance.

If you have questions about this document, please contact Jeff Killelea, Permit Writer, at [jeff.killelea@ecy.wa.gov](mailto:jeff.killelea@ecy.wa.gov) or 360-407-6127.

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## ISWGP Questions and Answers

### **Special Condition S1 – Permit Coverage**

**Q1: We own/operate an industrial facility that is entirely self-contained and has no run-off to “surface waters of the state”. If our facility is has no stormwater run-off, do we need to get permit coverage?**

A1: No. Condition S1.A of the ISWGP states “Facilities engaged in any industrial activities in Table 1 shall apply for coverage if stormwater from the facility discharges to a surface water body, or to a storm sewer system that discharges to a surface water body.” Therefore, industrial facilities that discharge stormwater only to sanitary sewer or to groundwater (e.g., on-site infiltration), with no discharge to surface waters, do not require coverage under the Industrial Stormwater General Permit. In other words, facilities that have soil, climate and drainage conditions that prevent stormwater discharges to surface waters (year-round) are exempt from the ISWGP. These exempt facilities do not need to apply for an exemption or get site-specific approval from Ecology.

Note: Federal regulations allow state permitting authorities, including Ecology, to require any facility (regardless of SIC code or discharge characteristics) to apply for the ISWGP if they are determined to be a “significant contributor of pollutants” (defined in permit), on a case-by-case basis. This kind of determination is not common, but is a tool used by Ecology to address discharges from facilities that pose an unacceptable risk to surface water or ground water quality.

**Q2: What is the definition of “surface waters of the state”? Is a ditch or other man-made waterway considered “surface waters of the state”?**

A2: *Surface Waters of the State* includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington, including wetlands. Ditches, irrigation returns, storm drains and other man-made waterways are also considered “waters of the state”.

**Q3: What if I only discharge stormwater during very large storm events? For example, only during the 100-year storm event?**

A3: The potential for any discharge to waters of the U.S. should be carefully evaluated and documented by the facility operator. Even if a discharge to waters of the state occurs only rarely, as with a 100-year storm event, permit coverage for that discharge is required.

**Q4: What if my stormwater discharge is “sheet flow”, rather than through a pipe or discrete conveyance channel? Do I still need permit coverage?**

A4: Yes, sheet flow from an industrial facility into waters of the state would be considered a discharge and therefore requires permit coverage.

**Q5: Does an industrial facility discharging to a storm drain (municipal separate storm sewer system or MS4) in a city or county with a Phase I or Phase II Municipal Stormwater Permit need permit coverage?**

A5: Yes, discharges of stormwater associated with industrial activity through a municipal separate storm sewer system (MS4) do need permit coverage. By definition, a municipal separate storm sewer system (MS4) is not connected to an operable treatment works (treatment plant) and effluent conveyed through the MS4 discharges to surface waters of the state; therefore, industrial stormwater discharges into a MS4 require permit coverage.

**Q6: Does an industrial facility discharging all their stormwater to sanitary sewer or combined sewer (e.g., King County Metro) need permit coverage?**

A6: No, discharges to sanitary sewer, including combined sewer systems, are connected to an operable treatment works and is not considered a discharge to “waters of the state”. Therefore, discharges to sanitary sewers or combined sewers do not require permit coverage. However, these discharges do require specific approval from the local sewer agency:

<http://www.kingcounty.gov/environment/wtd/About/SewerAgencies.aspx> .

**Q7: Do transportation facilities require permit coverage?**

A7: Certain categories of transportation facilities (listed below) only require permit coverage if they have a vehicle maintenance shop, equipment cleaning operations, or airport deicing operations:

- Railroad Transportation (SIC 40xx)
- Local and Suburban Transit and Interurban Highway Passenger Transportation (SIC 41xx)
- Motor Freight Transportation (SIC 42xx, except SIC 4221-25)
- United States Postal Service (SIC 43xx)
- Water Transportation (SIC 44xx)
- Air Transportation (SIC 45xx)
- Petroleum Bulk Stations and Terminals (SIC 5171)

Definitions:

- “Vehicle maintenance shop” means an area where vehicle maintenance is conducted.
- “Vehicle Maintenance” means the rehabilitation, mechanical repairing, painting, fueling, and/or lubricating of a motor-driven conveyance that transports people or freight, such as an automobile, truck, train, or airplane.

**Q8: Does “mobile” fueling at a “transportation” facility require permit coverage?**

A8: Yes, if a transportation facility conducts mobile fueling, that is considered a “vehicle maintenance shop” and therefore the facility requires permit coverage (see previous Q&A).

**Q9: My transportation facility has a vehicle maintenance shop and therefore requires permit coverage. Does the permit apply to the entire footprint of the facility, or just to the area where we conduct vehicle maintenance activity?**

A9: The entire footprint of the industrial facility. Once a transportation facility has permit coverage, the permit conditions for sampling, inspection and stormwater management practices are required in all areas of industrial activity - rather than only those areas where vehicle maintenance, equipment cleaning and airport de-icing occur.

**Q10: What is a Conditional No Exposure (CNE) exemption? How do I know if my facility qualifies for a CNE exemption?**

A10: Ecology’s ISWGP has an exemption for industrial facilities that don’t have industrial materials and activities exposed to stormwater. Facilities with “no exposure” can apply for an exemption from coverage under the permit; this is called a Conditional No Exposure (CNE) exemption.

Here is a link to the CNE web page: <http://apps.ecy.wa.gov/stormwaterexempt/>

**Q11: My facility discharges entirely to sanitary sewer, with no discharge to surface waters. Does this mean I qualify for a Conditional No Exposure (CNE) exemption?**

A11: No, “no discharge” is different than “no exposure”. If your facility doesn’t discharge stormwater to surface waters of the state (or a storm drain connected to surface waters of the state), your facility is exempt from the permit, and no form or written exemption is required.

**Q12: My facility discharges all stormwater to ground (via infiltration basins and dry wells), with no discharge to surface waters. Does this mean I qualify for a Conditional No Exposure (CNE) exemption?**

A12: No, “no discharge” is different than “no exposure”. If your facility doesn’t discharge stormwater to surface waters of the state (or a storm drain connected to surface waters of the state), your facility is exempt from the permit, and no form or written exemption is required.

Note: Certain discharges to ground (e.g., drain fields, dry wells, etc.) require the owner to register through the Underground Injection Control (UIC) program.

More information on the UIC Program:

<http://www.ecy.wa.gov/programs/wq/grndwtr/uic/registration/reginfo.html>

**Q13: Can a portion of a facility within a larger industrial facility make use of the Conditional No Exposure (CNE) exemption?**

A13: No, the Conditional No Exposure (CNE) exemption applies to the *entire* facility. If some activities are not exposed to stormwater, then it should be noted in the SWPPP that those areas are not exposed (it is a permit requirement to *minimize* exposure). However, once a facility is covered under the permit, the permittee must inspect those areas that are not exposed to stormwater during the monthly site inspection to ensure that those areas continue to have no exposure to stormwater, and that there is no tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas.

**Q14: Our facility pressure washes equipment and vehicles at an outdoor (closed-loop) wash rack. Does this activity mean we don’t qualify for the Conditional No Exposure (CNE) exemption?**

A14: Yes, cleaning of “industrial machinery or equipment” in an area that is exposed to rain or snow constitutes “exposure” (see CNE Question #1), and your facility would not qualify for the Conditional No Exposure (CNE) exemption.

Excerpt from CNE Application - Checklist Question #1:

**1. Do you use, store, or clean industrial machinery or equipment in a place that is exposed to rain or snow, or is there an exposed area where residue remains from using, storing or cleaning industrial machinery or equipment?**

**Q15: Our cold storage warehouse has refrigeration units and ducting on the roof. We also have outdoor conveyor belts to bring products and materials into the facility. Does this mean we don’t qualify for the Conditional No Exposure (CNE) exemption?**

A15: Yes, if equipment associated with industrial activity (e.g., refrigeration units, conveyors, etc.) is exposed to stormwater, the facility would not qualify for the Conditional No Exposure (CNE) exemption.

Excerpt from CNE Application - Checklist Question #1:

**1. Do you use, store, or clean industrial machinery or equipment in a place that is exposed to rain or snow, or is there an exposed area where residue remains from using, storing or cleaning industrial machinery or equipment?**

## Special Condition S2 – Application for Coverage

### Q#16: How do I apply for coverage under Ecology's Industrial Stormwater General Permit?

A#16: The owner/operator of the facility must fill out and submit an application form (called "Notice of Intent" or "NOI") to Ecology. The form is available on Ecology's website: <http://www.ecy.wa.gov/biblio/ecy02084.html>

- Facilities that began operations on or after January 1, 2010 must publish a public notice for two consecutive weeks (two separate notices), at least seven days apart, in a newspaper of general circulation within the county in which the discharge from your facility is proposed. The applicant must submit the application form to Ecology on or before the date of the first public notice. The application form has instructions and a template that will help you run your public notice. For additional information, [contact your Permit Administrator](#).
- Facilities that began operations prior to January 1, 2010, are not required to publish a public notice.

### Permit Coverage Timeline:

- If the applicant does not receive notification from Ecology, permit coverage automatically commences on whichever of the following dates occurs last:
  - The 31st day following receipt by Ecology of a completed application
  - The 31st day following the end of a 30-day public comment period.
- Ecology may need additional time to review the application:
  - If the application is incomplete.
  - If it requires additional site-specific information.
  - If the public requests a public hearing.
  - If members of the public file comments.
  - When more information is necessary to determine whether coverage under the general permit is appropriate.
- When Ecology needs additional time:
  - Ecology will notify the applicant in writing within 30 days and identify the issues that the applicant must resolve before a decision can be reached.
  - Ecology will submit the final decision to the applicant in writing. If Ecology approves the application for coverage/modification, coverage begins the 31st

day following approval, or the date the approval letter is issued, whichever is later.

Applicants can also check the status of their application in Ecology's online database (PARIS): <https://fortress.wa.gov/ecy/wqreports/public/f?p=publicparis>

## **Special Condition S3 – Stormwater Pollution Prevention Plan (SWPPP)**

### **Q#17: Does Ecology have any guidance on how to develop a SWPPP?**

A#17: Yes, Ecology's website has a free, fill-in-the-blank SWPPP Template that can be used by permittees and consultants to prepare a SWPPP that meets the requirements of the ISWGP.

Download the SWPPP Template:

[\*\*SWPPP Template\*\*](#)

[-Word docx version](#)

[-Word doc version](#)

### **Q#18: Are permittees *required* to use Ecology's SWPPP template?**

A#18: No, as long as the permittee's SWPPP meets the requirement of the ISWGP, Ecology doesn't have any concerns about how it was prepared.

### **Q#19: Is it a violation of the permit if we do not have an adequate SWPPP even though our sample numbers are below the benchmarks?**

A#19: Yes, the SWPPP requirements (Condition S3) apply to all permitted facilities, including those with stormwater discharges below the benchmarks.

### **Q#20: Does the SWPPP Certification form need to be resigned each time the SWPPP is changed?**

A#20: Yes. But if more than one revision is made during a quarter (3 month reporting period), the permittee only needs to recertify the SWPPP one time that quarter.

### **Q#21: Can part of my SWPPP be stored electronically? For example, can I use a spreadsheet used to keep track of my inspections or corrective actions?**

A#21: Yes, as long as Ecology inspectors are able to review the electronic records onsite during an inspection; and the SWPPP (hard copy + electronic portions) is complete, accurate and covers all the requirements of Condition S3.



**Q#22: Is it required that fueling trucks have spill kits on them? Fleet fueling, etc.**

A#22: Yes, the permit says that spill kits need to be located “within 25 of all fueling stations, transfer stations, and mobile fueling units.” In a practical sense, that means fueling trucks must be equipped with spill kits.

**Q#23: The permit requires chemical liquids, fluids and petroleum products to be stored on an impervious surface that is surrounded with a “secondary containment berm or dike”. My above ground fuel tanks are “double-walled” and located on concrete pad. Does this satisfy the permit requirement, or do I also need an additional containment structure around the tank?**

A#23: A double-walled tank on an impervious surface, such as concrete, is considered “secondary containment” and is in compliance; no additional containment berm or dike is required.

**Q#24: Do my tanks of wastewater need to be provided with a secondary containment structure?**

A#24: Yes.

**Q#25: Do all outdoor dumpsters and waste containers need to have lids?**

A#25: Yes. Condition S3.B4.b.i.2).d) on page 16 states “Keep all dumpsters under cover or fit with a lid that must remain closed when not in use.” Please note that Ecology doesn’t consider tarps to be acceptable cover since they are not effective in keeping water out of the dumpster.

**Q#26: I am planning to install a chemical treatment system. Do I need to get Ecology’s approval to use chemical treatment?**

A#26: Yes, the permit requires approval for chemical treatment systems. See Condition S3.B.4.b.iii.3) on Page 20: “Obtain Ecology approval before beginning construction/installation of all treatment BMPs that include the addition of chemicals to provide treatment”.

- If the proposal involves either 1) chitosan-enhanced sand filtration or 2) electro-coagulation, submit the following form to Ecology Headquarters:  
<http://www.ecy.wa.gov/biblio/ecy070258.html>
- For proposals involving other types of treatment systems, the permittee must submit an engineering report, plans and specifications (WAC [173-240-110](#)) to the appropriate Ecology regional office.

**Q#27: If you have coverage under the ISWGP, and you hire a contractor to do a project > 1 acre and they get a construction stormwater permit, how is your permit**

**affected, do they have to follow your BMPs or can they just follow those listed in construction permit? How does this affect your SWPPP?**

A#27: Facilities under the ISWGP that perform construction activity 1 acre or larger require (separate) coverage under the Construction Stormwater General Permit.

The Construction Stormwater General Permit has different BMPs and monitoring requirements than an Individual NPDES permit, or the Industrial Stormwater General Permit, and those must be followed on the area undergoing construction activity.

If appropriate, the Industrial SWPPP can be modified to state that one or more of the mandatory BMPs in the Industrial Stormwater General Permit may be omitted if site conditions (during the period of construction) render the BMP unnecessary, infeasible, or the Permittee provides alternative or equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP (see p. 16, S3.B.4.b).

The Construction Stormwater General Permit requires weekly turbidity sampling, and the Industrial Stormwater General Permit requires quarterly turbidity sampling.

Discharge points that drain areas where industrial activity and construction is co-located, need to be sampled for turbidity weekly (if discharging); and DMRs need to be submitted for both permits. If multiple turbidity samples were collected, those sample results need to be reported on the Industrial Stormwater DMR as well as the Construction Stormwater DMR.

**Q#28: Should every pint / quart / gallon be documented on spill log even if not released from site?**

A#28: The Permit requires facilities to document chemical and petroleum spills in the spill log (p.18). No minimum quantity is identified, so all spills should be recorded in the log book, regardless of size.

## **Special Condition S4 – General Sampling Requirements**

**Q#29: How do I change, add or delete, sampling locations? Or locations where my discharge enters surface waters of the state?**

A#29: Ecology's website has a form that permittees use to add or remove, or change discharge and/or sample points at a facility. The form can be downloaded from: <http://www.ecy.wa.gov/biblio/ecy070373.html>

**Q#30: Averaging visible sheen? Can it be done?**

A#30: No, the permit says that pH and visible oil sheen can't be averaged. Specifically p.23, S4.B.6.c states:

“Permittees monitoring more than once per quarter shall average all of the

monitoring results for each parameter (except pH and “visible oil sheen”) and compare the average value to the benchmark value.”

Also p.24, S5.A.3 states:

“If a Permittee's discharge exceeds a benchmark listed in Table 2, the Permittee shall take the actions specified in Condition S8. Permittees sampling more than once per quarter shall average the sample results for each parameter (except pH and “visible oil sheen”) and compare the average value to the benchmark to determine if the discharge has exceeded a benchmark value.”

**Q#31: Based on the 4<sup>th</sup> quarter results we just received, one of our facilities has achieved consistent attainment for all but one parameter, zinc. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarter results for zinc were below the benchmark; but the 4<sup>th</sup> quarter result was above the benchmark. Can we use an average of several zinc samples collected during the 4<sup>th</sup> quarter to still achieve consistent attainment for zinc at this facility based on Permit Condition S4.B.6.c.?**

A#31: Yes, you can continue to sample stormwater at the facility and analyze the samples for zinc (only). The average of those analyses would be calculated and then compared to the benchmark to determine if consistent attainment has been achieved.

**Q#32: If the October “first flush” storm event occurs during off-hours (e.g. weekend), then are permittees required to sample during the very next “on-hours” event, or are we now just trying to get a sample during the 4<sup>th</sup> quarter?**

A#32: The permittee is required to sample the next stormwater discharge event that occurs during normal business hours, rather than any time during the 4<sup>th</sup> quarter.

**Q#33: The permit says to sample the “first flush” event after October 1<sup>st</sup>. Can we also take additional samples during that quarter (4<sup>th</sup> quarter) and compare the average to the benchmark?**

A#33: Yes, permittees must sample the first discharge after October 1<sup>st</sup>, but they may also collect additional (multiple) samples during the 4<sup>th</sup> quarter. If multiple samples are collected the *average* of sample results collected during the quarter must be determined, and the average is then compared to the benchmark to see if corrective actions are required.

**Q#34: The permit says that stormwater sampling is not required outside of “regular business hours”. For businesses with multiple shifts, please clarify how to determine what is considered regular business hours vs. O&M, janitorial, etc.**

A#34: Facilities are not exempt from stormwater sampling stormwater discharges (per S4.B.1.e) during periods of time or shifts when a facility is engaged in its primary production process.

The permit (p.55) has a definition:

- “Regular Business Hours” means those time frames when the facility is engaged in its primary production process, but does not include additional shifts or weekends when partial staffing is at the site primarily for maintenance and incidental production activities. Regular business hours do not include periods of time that the facility is inactive and unstaffed.

**Q#35: For businesses that operate 24/7, clarify that we need to be prepared to sample at all times unless safety issues interfere.**

A#35: Facilities that operate 24/7 need to be prepared to sample at all times. Sampling is not required outside regular business hours or during unsafe conditions.

**Q#36: I want to prove that my client’s stormwater samples are being affected by air deposition or from comingled or run-on sources. They employ additional sampling within their property and outside (upstream, downstream, air deposition, etc.) and the results reveal a large contribution of pollutants not contributed by the permittee or their business practice. How can a permittee demonstrate the difference in their reporting?**

A#36: Permittees need to sample and report the quality of stormwater being discharged from their industrial activity; typically this is at the property boundary or the most down gradient manhole/catch basin.

Relevant laws, rules and court cases hold individual facilities responsible for their discharge quality. If the facilities industrial stormwater is being contaminated by air deposition or an adjacent property/ discharge (that can’t be diverted or segregated from the facilities contribution), they should still sample where stormwater is discharged from their facility, and report their results on the DMR. In some cases the sampling location can be moved to better reflect only the facilities stormwater quality (and exclude run-on from off-site sources). Check with the regional Ecology inspector to see if adjustments to the sampling plan would better reflect stormwater quality of the facility.

In some cases, where the off-site impact can be traced to a specific source, the permitted facility may want to contact the party causing the off-site impact to see if there is a practical solution; in some cases a civil law suit may be appropriate.

## Special Condition S5 – Benchmarks, Effluent Limits and Specific Sampling Requirements

**Q#37: My Discharge Monitoring Report (DMR) form specifies that pH sampling requires a pH meter, but permit allows permittees to use a pH meter *or* paper. Can we still use paper?**

A#37: Yes\*, facilities have the option of using either a calibrated pH meter or pH paper (i.e., narrow-range pH indicator paper with a resolution not greater than  $\pm 0.5$  SU pH) to analyze their stormwater for pH and compare their results to the pH benchmark.

\*Note: The only exception applies to discharges subject to a numeric effluent limit for pH (because they discharge to a waterbody on the 303(d)-list for high pH); these operators need to use a calibrated pH meter to assess compliance with their numeric effluent limit for pH.

**Q#38: My first sample this quarter was above the benchmark. Can I take more than one sample during the quarter and compare the average to the benchmark?**

A#38: Yes, permittees may sample (one or more parameters) multiple times during the quarter. If multiple samples are collected the *average* of sample results collected during the quarter must be determined, and the average is then compared to the benchmark to see if corrective actions are required.

**Q#39: The *initial* 4<sup>th</sup> Quarter 2010 result for a parameter would trigger a Level 2 or a Level 3. We sampled several more times during 4<sup>th</sup> Quarter 2010 and the *average* of all of the 4<sup>th</sup> Quarter 2010 results is below the benchmark. Based on Permit Condition S5.A.3, does this eliminate triggering the Level 2 or Level 3? In-other-words, is it the average of the samples collected during the quarter that you use to determine if a Level 1, 2 or 3 is triggered, not a single result?**

A#39: Yes, the *average* of samples collected during the quarter get compared to the benchmark to determine if corrective actions are required.

## Special Condition S6 – Discharges to 303(d)-listed or TMDL Waters

**Q#40: How do I know if I discharge to a 303(d)-listed waterbody?**

A#40: Ecology has identified facilities that discharge to a 303(d)-listed waterbody and therefore have additional sampling requirements and effluent limits. These facilities were sent a unique Discharge Monitoring Report (DMR) that makes a distinction between parameters subject to *benchmarks* and parameters subject to *numeric effluent limits*.

Ecology also maintains a list (Appendix 4) of facilities with effluent limits due to 303(d)-listed waterbodies:

<http://www.ecy.wa.gov/programs/wq/stormwater/industrial/permitdocs/iswgpap4.pdf>

## **Special Condition S7 – Inspections**

**Q#41: Do I need to conduct my inspections during wet weather, or when there is a discharge?**

A#41: No, the permit simply requires facilities to perform an inspection of the facility at least once each month. Monthly inspections during discharges are encouraged. If there is a discharge during the monthly inspection, the discharge must be visually examined for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc.

**Q#42: Does Ecology have any guidance or checklists to help me conduct monthly inspections at my facility?**

A#42: Yes, Ecology website has an (optional) inspection checklist that covers all the required elements for inspections at your facility. The checklist is generic and editable, so you can modify the checklist to meet the conditions at your facility, but your inspections must cover the minimum inspection requirements in Condition S7 of the permit.

Download inspection checklist:

[\*\*Monthly Site Inspection Form\*\*](#)

[-Word docx version](#)

[-Word doc version](#)

**Q#43: Do I have to fill out Ecology's Monthly Inspection Report form or can I use one of my own?**

A#43: No, you are not required to use Ecology's Monthly Site Inspection Form, but you must ensure that your form covers the minimum inspection requirements in Condition S7 of the permit.

## Special Condition S8 – Corrective Actions

**Q#44: Do I need to do a Level 1 corrective action each time I exceed a benchmark? Even when I'm doing a Level 2 or 3 corrective action?**

A#44: Yes, a Level 1 corrective action (operational source control BMP) is required each time a benchmark is exceeded, including when a Level 2 or 3 corrective actions is required.

**Q#45: Corrective Action Level 2 or 3 Waiver or Time Extension: How difficult is it? Is it a formal process?**

A#45: The difficulty depends on the nature and complexity of the request, which is site-specific. As part of the waiver request, the permittee is required to submit the technical basis for requesting the waiver/time extension. The technical basis would be based on a permittees explanation that is 1) not feasible or 2) not necessary to prevent discharges that cause or contribute to violations of water quality standards. Ecology expects a range of scenarios to be presented for consideration.

Yes, it is a formal process. The Pollution Control Hearings Board (PCHB) has ruled that it is unlawful for Ecology to informally waive or exempt facilities from permit conditions without a mechanism for public comment or appeal.

To request a waiver, the permittee will need to submit a "modification of coverage" form <http://www.ecy.wa.gov/biblio/ecy070361.html> and publish two public notices in a newspaper of local circulation, which is followed by a 30 day public comment period. Once a permittee submits a complete application package, Ecology has 60 days to approve or deny the request. Modifications of coverage are subject to appeal and administrative review by the PCHB.

**Q#46: What happens if a permittee fails a 3<sup>rd</sup> benchmark during installation process or timeline for Level 2 Corrective Action?**

A#46: If a facility exceeds an applicable benchmark value (for a single parameter) for any three quarters during a calendar year, they need to implement a Level 3 corrective action, instead of a Level 2.

- Note: In cases where a permittee believes that a Level 2 corrective action (source control) has solved (or will solve) the problem causing the benchmark exceedances, they can request a waiver from installing additional treatment BMPs and completing the Level 3 corrective action.

**Q#47: Clarify the Corrective Action Level 2 deadline; do businesses get until Sept 30 of the following year if they exceed the same parameter twice during the same calendar year? Do they go straight to level 3 while still trying to implement Level 2?**

A#47: Yes, the deadlines for completing Level 2 corrective actions is September 30<sup>th</sup> of the following year in which they exceeded an applicable benchmark value (for a single parameter) for any two quarters during a calendar year. However, if a facility exceeds an applicable benchmark value (for a single parameter) for any three quarters during a calendar year, they need to implement a Level 3 corrective action, instead of a Level 2.

- Note: In cases where a permittee believes that a Level 2 (source control) corrective action has solved (or will solve) the problem causing the benchmark exceedances, they can request a waiver from installing additional treatment BMPs and completing the Level 3 corrective action.

**Q#48: With multiple discharge locations (separate outfalls or even separate water bodies), can you be at different Corrective Action levels by exceeding different benchmarks for the separate drainage areas of your site?**

A#48: No, corrective actions are “parameter-specific”, but are not “outfall-specific”. For example: if a facility exceeds the zinc benchmark at outfall 1 during the 1<sup>st</sup> quarter, exceeds the zinc benchmark at outfall 2 during the 2<sup>nd</sup> quarter, and then exceed the zinc benchmark at outfall 3 during the 3<sup>rd</sup> quarter; they are required to complete a Level 3 corrective action for the entire facility.

**Q#49: I have triggered a Level 2 Corrective Action for zinc, and my metal roof is believed to be the source of the zinc. Would painting or sealing a metal (zinc) roof be considered an appropriate Level 2 “Structural Source Control” BMP?**

A#49: Yes. Structural source control BMPs includes physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Since the role of painting or coating metal surfaces is to physically prevent the underlying zinc from entering (i.e., contaminating, leaching into) stormwater.

**Q#50: I need to do a Level 3 Corrective Action, and I want to use a BMP treatment system that is not in Ecology’s Stormwater Management Manual (or Ecology’s TAPE review process), what can I do?**

A#50: The permit allows facilities to use innovative products or technologies, including those not listed in Ecology’s Stormwater Management Manuals (or not yet approved through Ecology’s TAPE process), as long as they document that the BMP is “demonstrably equivalent” to practices in stormwater manuals approved by Ecology (see p.13, S3.A.3.d).



- (Permit p.52) *Demonstrably Equivalent* means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:
  - 1) The method and reasons for choosing the storm water best management practices selected;
  - 2) The pollutant removal performance expected from the practices selected;
  - 3) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;
  - 4) An assessment of how the selected practices will comply with state water quality standards; and
  - 5) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

**Q#51:What kind of documentation is required if I install a treatment system at my facility?**

A#51:

- Off-the-shelf treatment measures like catch basin filter inserts, roof downspout media filtration units, or absorbent devices do not require an Engineering Report, but an Operations and Maintenance Manual must be incorporated into the SWPPP.
- For stormwater treatment systems that require a Professional Engineer to size an engineered structure based on specific design criteria, the permittee must prepare an engineering report, plans and specifications, and O&M Manual that addresses the following items (unless waived by Ecology):
  - Brief summary of the treatment alternatives considered and why the proposed option was selected
  - The basic design data and sizing calculations of the treatment units;
  - A description of the treatment process and operation, including a flow diagram;
  - The amount and kind of chemicals used in the treatment process, if any. Note requires submittal of: Request for Chemical Treatment Form
  - Results to be expected from the treatment process including the predicted wastewater characteristics,
  - A Statement, expressing sound engineering justification through the use of pilot plant data, results from similar installations, and/or scientific evidence that the proposed

treatment will meet the permit benchmarks. WAC 173-240-130 (q), and

- Operations and Maintenance Manual.
- Once the documentation above is incorporated into the SWPPP, the Permittee must sign and certify the revised SWPPP in accordance with S3.A.6.
  - A licensed professional engineer, geologist, hydrogeologist, or Certified Professional in Storm Water Quality (CPSWQ) shall design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.
    - Ecology may waive the requirement for a licensed or certified professional upon request of the Permittee and demonstration that the Permittee or treatment device vendor can properly design and install the treatment device.
    - Ecology will not waive the Level 3 requirement for a licensed or certified professional more than one time during the permit cycle.

## **Special Condition S9 – Reporting and Recordkeeping**

**Q52: What reports do we need to submit to Ecology?**

A52: Please see Condition S9 of the Permit

<http://www.ecy.wa.gov/programs/wq/stormwater/industrial/permitdocs/iswgpfin al102109.pdf> , pages 37-39.

**Q#53: My facility didn't discharge stormwater (during normal working hours) this quarter. Do I still need to submit a Discharge Monitoring Report (DMR)?**

A#53: Yes, permittees must submit a DMR every quarter, regardless of discharges or sampling. There are checkboxes to indicate that there wasn't a discharge during normal working hours, or if sampling wasn't conducted for another reason.

**Q#54: Can I submit my sampling data online?**

A#54: Yes, permittees may use Ecology's online WAWebDMR Program. You can find more info here: <http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html> .

**Q#55: My facility didn't require any Level 1, 2 or 3 corrective actions last year. Do I still need to submit an Annual Report?**

A#55: Yes, beginning in 2011, all permittees must submit an annual report to Ecology each year; the deadline is May 15<sup>th</sup>. Ecology's Industrial Stormwater website has the Annual Report form, and it accommodates facilities that don't have any corrective actions to report.

**Q#56: Where do I get a copy of the Annual Report Form?**

A#56: The form may be downloaded from Ecology's Industrial Stormwater website: <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html>

**Q#57: What is a reportable spill? Is there a minimum reportable quantity? Should very pint / quart / gallon be documented on spill log even if not released from site?**

A#57: The Permit does not use the terms "reportable spill" or define the quantity that needs to be reported to comply with state spill laws administered by Ecology's Spills Program.

Ecology's Spills Program Website contains information on how to report spills: <http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>. It includes the following statement: "If you have spilled oil or other hazardous materials to state waters, the ground or the air, you must report it – regardless of the size of the spill. The definition of "oil" includes plant-based oils like vegetable, corn and soybean oils."

The Industrial Stormwater General Permit requires permittees to document chemical and petroleum spills in the spill log (p.18). No minimum quantity is identified, so all spills should be recorded in the log book, regardless of size.

**Q#58: Condition S9.C requires permittees to maintain a long list of documents and records onsite for at least 5 years. Do all these records need to be in the SWPPP? Or can some of these records be stored separately if they are too voluminous to be with SWPPP?**

A#58: As the operator conducts inspections, monitoring, corrective actions, and other permit implementation activities, he/she will generate additional records, such as inspection reports and monitoring results. Keep this additional documentation on-site with the SWPPP, and ensure these records are accessible, complete, and up-to-date so that they demonstrate your full compliance with the conditions of your permit. As a general matter, any compliance records required to be kept pursuant to Condition S9.C, are not necessarily intended to be incorporated into your SWPPP, but instead need to be kept onsite in the same general area as the SWPPP so they may be accessed easily by any inspectors. Therefore, the answer to the question is "yes", the records are intended

to be stored separately from the SWPPP; however, all records must be kept on-site, in the same general location as the SWPPP.

## **Special Condition S13 – Notice of Termination**

**Q59: We are moving to another location, how do I cancel my permit coverage?**

A59: Please submit a Notice of Termination form:

<http://www.ecy.wa.gov/pubs/ecy02086.pdf> to:

Department of Ecology  
Industrial Stormwater Unit  
PO Box 47696  
Olympia, WA 98504-7696

## **General Conditions**

**Q#60: The ownership of the facility is changing, how do we transfer permit coverage?**

A#60: Please have the previous permittee and the new owner complete and submit a transfer of coverage form: <http://www.ecy.wa.gov/biblio/ecy02084a.html> to

Department of Ecology  
Industrial Storm Water Unit  
PO Box 47696  
Olympia, WA 98504-7696

**Q#61: We have obtained coverage from a former permittee (via transfer of coverage) and they had some outstanding Level 2 and 3 corrective actions to complete. As the new permittee, are we now required to complete these corrective actions?**

A#61: Yes, unless you request and obtain a waiver from Ecology, per Condition S8.C and/or S8.D.